

REMARKS

Claims 1-29 remain pending. Please cancel Claims 2, 13 and 24 without prejudice. Claims 1, 12 and 23 have been amended herein. No new matter has been added as a result of the Claim amendments.

CLAIM REJECTIONS
35 U.S.C. § 102

Claims 1, 3-8, 14-19 and 25-27 are rejected under 35 U.S.C 102(e) as being anticipated by Baker et al., (U.S. Patent Publication US 2003/0033243 A1), hereafter referred to as Baker. The rejection is respectfully traversed for the following reasons.

Amended Claim 1 recites in part (emphasis added):

in response to a software selection, emulating, on said software dispensing device, a portable computer system executing said selected software program, wherein a user can manipulate said selected software program;

Claim 1 has been amended to include the limitation “emulating, on said software dispensing device, a portable computer executing said selected software program, wherein a user can manipulate said selected software program.”

Applicants have reviewed the Baker reference and respectfully assert that the Baker reference fails to teach or suggest this limitation, as claimed in amended Claim 1. Baker verifies payment, retrieves the selected software program and wirelessly transmits the software to the requestor. Baker fails to teach or suggest

emulating the software, as claimed. As such, Claim 1 is not anticipated by Baker. As such, allowance of Claims 1, 3-8, 14-19 and 25-27 is earnestly solicited.

35 U.S.C. § 103

Claims 2, 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Suzuki et al., (U.S. Patent No. 5,267,171), hereafter referred to as Suzuki. The rejection is respectfully traversed for the following reasons.

Applicants agree that Baker fails to teach or suggest “the software dispensing machines allows the user to preview the software,” as claimed in amended Claims 1, 12, and 23. Applicants have reviewed the Suzuki reference and respectfully assert that Suzuki fails to teach or suggest emulating the software, as claimed.

Suzuki purports to teach “the software vending machine 3 also includes a display 14 for displaying various software demonstrations, instructions for using the software vending machine 3 and procedures for operating the software vending machine 3” (column 2 lines 59-62). Suzuki teaches away from the limitation of “emulating the software wherein a user can manipulate the software,” as claimed. The on-screen instructions of Suzuki are not taught as an emulation

of the software wherein a user can manipulate the software. Suzuki provides a read only instruction set for using the software and vending machine. This is very different from “emulating the selected software wherein a user can manipulate the selected software,” as claimed.

Baker taken in combination with Suzuki, fails to teach or suggest this Claim limitation because Suzuki fails to remedy the deficiencies of Baker. Applicants agree that Baker fails to teach or suggest “the software dispensing machines allows the user to preview the software,” as claimed in amended Claims 1, 12, and 23. However, Suzuki fails to remedy this deficiency because Suzuki purports to teach read-only on-screen instructions for the software and for the vending machine. Claims 2, 13, and 24 are not rendered obvious over Baker in view of Suzuki. As such, allowance of Claims 2, 13, and 24 is earnestly solicited.

Claims 9, 10, 11, 20-22, 28 and 28

Claims 9, 10, 11, 20-22, 28 and 28 are rejected under 35 U.S.C 103(a) as being unpatentable over Baker in view of the article “Hand-helds; Don’t Get Into A Crunch: Prevention and a Backup Plan Can Save Your Data” (Kellner, Mark A. March 15, 2001), hereafter referred to as Kellner. This rejection is respectfully traversed for the following reasons.

Kellner purports to teach a system for remote data back up for a PDA. However, Kellner fails to teach or suggest “emulating a selected software program such that a user can manipulate the selected program,” as claimed. Kellner provides data backup for information already stored on a user’s PDA. Kellner does not teach or suggest emulating any of the programs that are stored in the Kellner system. The claimed limitations of the present invention emulate a software program that is not already stored on the user’s PDA. Applicants respectfully assert that Claims 9, 10, 11, 20-22, 28 and 28 are not rendered obvious over Baker in view of Kellner. As such, allowance of Claims 9, 10, 11, 20-22, 28 and 28 is earnestly solicited.

CONCLUSION

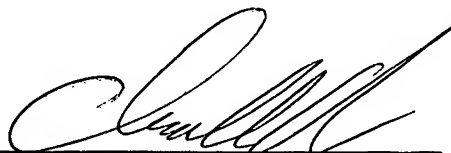
In light of the above listed remarks, reconsideration of the rejected Claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-29 overcome the rejections and objections of record and, therefore, allowance of Claims 1-29 is earnestly solicited.

Should the Examiner have a question regarding the instant response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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